**REMARKS**

Claims 1-16 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 6 to further clarify the unique features set forth therein. In order to provide more varied protection, Applicant adds claim 17, which is clearly supported throughout the specification *e.g.*, Fig. 1.

I. Summary of Office Action

The Examiner withdrew the previous grounds for rejecting the claims. The Examiner, however, found new grounds for rejecting the claims. Specifically, the Examiner rejected claim 3 under 35 U.S.C. § 112, first paragraph and claims 1-16 under 35 U.S.C. § 103(a).

II. Claim Rejection under 35 U.S.C. § 112

Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner alleges that the specification does not describe the second sub-wall 10 being made of a thermally insulating material (*see* page 2 of the Office Action). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

First, Applicant respectfully submits that it appears that the Examiner's rejection is a written description rejection under 35 U.S.C. § 112, first paragraph *i.e.*, that it was not described in the original specification and not that one of ordinary skill in the art would not know how to make a sub-wall out of thermally insulated material.

Further, it is noted that an exemplary embodiment in the specification clearly describes that the first sub-wall is made of thermally insulating material (page 3, lines 8 to 10). An exemplary embodiment of the specification further describes that the third sub-wall is preferably

constituted by the material for providing effective heat exchange between the first and second spaces (page 3, lines 11 to 18). In an exemplary embodiment, it is further described that "the first sub-wall [sic] is preferably also made of thermally insulating material" (emphasis added, page 3, lines 19 and 20). In other words, the second sub-wall is also made of the thermally insulating material. That is, page 3, lines 19 to 20 of the specification address the second sub-wall and not the first sub-wall. Accordingly, there is adequate support in the specification for the unique features of claim 3.

In addition, original claim 3 recited: "[a] container according to claim 1, in which said second sub-wall (9) is constituted by a thermally insulating material." There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976) ("we are of the opinion that the PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims"). The issue of a lack of adequate written description may arise when an aspect of the claimed invention has not been described with sufficient particularity such that one skilled in the art would recognize that the applicant had possession of the claimed invention. That is, the claimed invention as a whole may not be adequately described if the claims require an essential or critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art. MPEP § 2163.

In short, Applicant respectfully submits that there is adequate support for the second sub-wall being constituted of the thermally insulating material. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 3.

III. Claim Rejection under 35 U.S.C. § 103

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bretschneider (US 6,149,254), hereinafter referred to as "Bretschneider", in view of Baltes (US 4,869,872), hereinafter referred to as "Baltes". Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Independent claim 1 *inter alia* recites: "said first space communicating with the outside of said container via at least two outside openings, said second space communicating with said inside zone via at least two openings, and said first space and said second space are without any ribs therein."

The newly found reference, Bretschneider describes an equipment cabinet for electrical and electronic equipment and components is provided with a functional area, which is surrounded by multishell walls and at least one door and is terminated in dustproof and watertight manner. A functional area wall is positioned between an outer wall and an inner guide wall and is provided with a rib system, in order to ensure a particularly good heat removal from the functional area (*see* Abstract). In other words, the purpose of Bretschneider's disclosure is to provide a good rib system inside the inner channel 8 and outer channel 9 for improved good heat removal with fluids being circulated inside these channels.

Bretschneider, however, does not disclose or even remotely suggest the channels being needle or rib free. Specifically, Bretschneider describes that the rib system is important to better circulate fluids. In other words, Bretschneider is directed to a rib system for fluids and not no-rib (rib-free) channels for air. That is, Bretschneider is no different from conventional technique describes on page 1, lines 21 to 32 of the specification. In Bretschneider, because of these ribs, when the container is exposed directly to solar radiation, the outer wall is raised to a very high

temperature. Outside air circulating in the outer compartment is then heated excessively on coming into contact therewith and can no longer absorb heat from the air circulating in the inner compartment. In case of low temperature, the air in the outer compartment absorbs heat from the air in the inner compartment via the central wall. The air in the inner compartment then acts through the inner wall to reduce excessively the temperature of the air surrounding the equipment, thereby interfering with the operation of the equipment. Since in Bretschneider, the ribs are present, the temperature differences are not well regulated when the difference between the outer space and the inner space is large.

Baltes is only cited for its alleged disclosure of thermally insulating material (*see* page 5 of the Office Action) and as such clearly does not cure the above-identified deficiencies of Bretschneider.

In addition, one of ordinary skill in the art would not combine Bretschneider with Baltes for the reasons suggested by the Examiner. Specifically, the Examiner alleges that one of ordinary skill in the art would have combined the two references "in order to prevent the operating personnel from suffering burns" (*see* page 5 of the Office Action). It is respectfully noted that since fluids are already circulating in the inner and outer channels of Bretschneider to cool the equipment, the operating personnel would not incur any burns. That is, if the temperature of the outer channel would be so high as to cause burns, the equipment inside the cabinet 2 would break down due to excessive heat. In other words, there is absolutely no reason to add the thermal insulation material. Also, clearly the reason provided by the Examiner is faulty and cannot be used to validly combine Bretschneider with Baltes.

Further, temperature can easily be controlled with the fluid flow (Bretschneider, col. 4, line 64 to col. 5, line 2). Accordingly, there is no reason to add Baltes to the already fully sufficient and functioning system of Bretschneider.

Therefore, "said first space communicating with the outside of said container via at least two outside openings, said second space communicating with said inside zone via at least two openings, and said first space and said second space are without any ribs therein," as set forth in claim 1 is not suggested by the combined descriptions of Bretschneider and Baltes, which lack channels without any ribs therein. For at least these exemplary reasons, claim 1 is patentable over the prior art of record. Claims 2-16 are patentable by virtue of their dependency on claim 1.

In addition, dependent claim 5 recites: "at least a portion of said air circulator device is installed substantially in said second outside opening." Contrary to the Examiner's position, in Bretschneider, the fan 35 is inside the outer channel 9 and not even near the opening. Baltes does not cure this deficiency of Bretschneider. For at least these additional exemplary reasons, therefore, claim 5 is patentable over Bretschneider in view of Baltes.

In addition, claim 14 recites that the container houses "telephone equipment." Bretschneider does not disclose or even remotely suggest that the cabinet 2 houses telephone equipment. Baltes does not cure this deficiency of Bretschneider. For at least these additional exemplary reasons, therefore, claim 14 is patentable over Bretschneider in view of Baltes.

IV. New Claim

In order to provide more varied protection, Applicant adds claim 17, which is patentable by virtue of its dependency and for additional features set forth therein.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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